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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

GEORGE REESE,

Defendant and Appellant.

D044203

(Super. Ct. No. SCD179287)

APPEAL from a judgment of the Superior Court of San Diego County, Robert F. O'Neill, Judge. Affirmed.

After the court denied motions to substitute counsel (*People v. Marsden* (1970) 2 Cal.3d 118), George Reese entered a negotiated guilty plea to selling cocaine base (Health & Saf. Code, § 11352, subd. (a)) and admitted two prior strikes (Pen. Code, §§ 667, subds. (b)-(i), 1170.12, 668) and serving a prior prison term (Pen. Code, §§ 667.5, subd. (b), 668). At the sentencing hearing, the court denied Reese's peremptory challenge to the judge, a motion to represent himself, and a motion to withdraw the guilty

plea. It struck the two prior strikes, and sentenced him to prison for six years: the five-year upper term for selling cocaine base enhanced one year for the prior prison term.¹ The court issued a certificate of probable cause. (Cal. Rules of Court, rule 30(b).)

DISCUSSION

Appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436.² Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible but not arguable issues: (1) whether Reese was properly advised of his constitutional rights before entering the guilty plea; (2) whether the trial court erred in denying Reese's motion to represent himself; (3) whether the trial court erred in denying Reese's peremptory challenge to the court; (4) whether the court erred in denying Reese's motion to withdraw the guilty plea; (5) whether the trial court erred in denying Reese's *Marsden* motions; and (6) whether the trial court deprived Reese of his right to a jury trial when it imposed the upper term.

We granted Reese permission to file a brief on his own behalf. He has not responded. A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386

¹ Because Reese entered a guilty plea, he cannot challenge the facts underlying the conviction. (Pen. Code, § 1237.5; *People v. Martin* (1973) 9 Cal.3d 687, 693.) We need not recite the facts.

² Appellant expressly declines to request a reduction in sentencing based upon *Blakely v. Washington* (2004) ___ U.S. ___ [124 S.Ct. 2531].

U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Reese on this appeal.

DISPOSITION

The judgment is affirmed.

BENKE, J.

WE CONCUR:

McCONNELL, P. J.

O'ROURKE, J.